



February 17, 2009

HOUSE BILL No. 1603

DIGEST OF HB 1603 (Updated February 12, 2009 11:18 am - DI 96)

Citations Affected: IC 16-32; IC 22-9.

Synopsis: Service animals. For purposes of the law providing that a person with a disability is entitled to be accompanied by a guide dog in any public accommodation without an extra charge, expands the definition of "public accommodation" to include various educational entities. Provides that an employer, employment agency, labor organization, or joint labor-management committee must allow an employee with a disability to keep a guide dog, hearing dog, or assistance dog with the employee at all times.

Effective: July 1, 2009.

**Leonard, Tyler, Niezgodski,
Gutwein**

January 16, 2009, read first time and referred to Committee on Labor and Employment.
February 16, 2009, amended, reported — Do Pass.

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HB 1603—LS 7415/DI 14+



February 17, 2009

First Regular Session 116th General Assembly (2009)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2008 Regular Session of the General Assembly.

HOUSE BILL No. 1603

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-32-3-2, AS AMENDED BY P.L.99-2007,
2 SECTION 156, IS AMENDED TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2009]: Sec. 2. (a) As used in this section,
4 "public accommodation" means an establishment that caters or offers
5 services, facilities, or goods to the general public. **The term includes**
6 **the following educational facilities:**

7 (1) **A nursery school.**

8 (2) **An elementary school.**

9 (3) **A secondary school.**

10 (4) **An undergraduate or postgraduate public or private**
11 **institution.**

12 (5) **Other places of education.**

13 (b) A person who:

14 (1) is totally or partially blind;

15 (2) is hearing impaired; or

16 (3) has a physical disability;

17 is entitled to be accompanied by a guide dog, especially trained for the

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HB 1603—LS 7415/DI 14+

purpose, in any public accommodation without being required to pay an extra charge for the guide dog. However, the person is liable for any damage done to the accommodation by the dog.

(c) A person who:

(1) refuses access to a public accommodation; or

(2) charges a fee for access to a public accommodation;

to a person who is totally or partially blind, who has a hearing impairment, or who has a physical disability, because that person is accompanied by a guide dog commits a Class C infraction.

(d) A guide dog trainer, while engaged in the training process of a guide dog, is entitled to access to any public accommodation granted by this section.

SECTION 2. IC 22-9-5-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2009]: Sec. 20. (a) The prohibition against discrimination in section 19 of this chapter includes medical examinations and inquiries. Except as otherwise provided by this section, a covered entity may not conduct a medical examination or make inquiries of a job applicant as to whether the applicant is an individual with a disability or as to the nature or severity of a disability.

(b) A covered entity may make preemployment inquiries into the ability of an applicant to perform job related functions.

(c) A covered entity may require a medical examination after an offer of employment has been made to a job applicant and before the commencement of the employment duties of the applicant and may condition an offer of employment on the results of that examination if:

(1) all entering employees are subjected to the examination regardless of disability;

(2) information obtained regarding the medical condition or history of the applicant is collected and maintained on separate forms and in separate medical files and is treated as a confidential medical record, except that:

(A) supervisors and managers may be informed regarding necessary restrictions on the work or duties of the employee and necessary accommodations;

(B) first aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment; and

(C) government officials investigating compliance with this chapter shall be provided relevant information on request; and

(3) the results of the examination are used only in accordance with this chapter.

(d) A covered entity may not require a medical examination and

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1 may not make inquiries of an employee as to whether the employee is
 2 an individual with a disability or as to the nature or severity of the
 3 disability, unless the examination or inquiry is shown to be job related
 4 and consistent with business necessity.

5 (e) A covered entity may conduct voluntary medical examinations,
 6 including voluntary medical histories, that are part of an employee
 7 health program available to employees at that work site. A covered
 8 entity may make inquiries into the ability of an employee to perform
 9 job related functions. Information obtained under this subsection is
 10 subject to the requirements of subsection (c)(2) and (c)(3).

11 (f) A covered entity may not interfere, directly or indirectly,
 12 with the use of a dog that has been or is being specially trained as
 13 a:

- 14 (1) guide dog;
- 15 (2) hearing dog; or
- 16 (3) service dog.

17 (g) A covered entity may not refuse to permit an employee with
 18 a disability to keep a:

- 19 (1) guide dog;
- 20 (2) hearing dog; or
- 21 (3) service dog;

22 with the employee at all times in the place of employment.

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Labor and Employment, to which was referred House Bill 1603, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 8, after "disability" insert ",."

and when so amended that said bill do pass.

(Reference is to HB 1603 as introduced.)

NIEZGODSKI, Chair

Committee Vote: yeas 10, nays 0.

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